

IN THE CIRCUIT COURT FOR CUMBERLAND COUNTY, TENNESSEE

RHONDA KURZ and husband)
KEITH KURZ,)
)
Plaintiffs,) CASE NO. CC-22-CV-10873
)
VS.) JURY DEMANDED
)
WALMART, INC.,) DATE FILED April 20, 2022
)
Defendant.) *Jessica Burgess MM*

Circuit Court Clerk

VERIFIED COMPLAINT

Plaintiffs, Rhonda and Keith Kurz ("Plaintiffs"), respectfully set forth as follows:

1. The Plaintiffs are citizens and residents of Cumberland County, Tennessee.
2. Upon information and belief, at all times hereinafter mentioned, Defendant, Walmart, Incorporated ("Defendant"), is an American multinational retail corporation with headquarters in Bentonville, Arkansas.
3. Upon information and belief and at all times hereinafter mentioned, Defendant was doing business in Cumberland County, Tennessee.
4. Upon information and belief and at all times hereinafter mentioned, Defendant operating a retail supercenter located at 168 Obed Plaza, Suite 108, Crossville, Cumberland County, Tennessee ("Premises").
5. At all times hereinafter mentioned, Defendant, its agents, servants and/or employees operated a place of business at the Premises.
6. At all times hereinafter mentioned, Defendant, its agents, servants and/or employees maintained a place of business for the retail sale of products at the Premises.

Page 1 of 6

EXHIBIT B

7. At all times hereinafter mentioned, it is the duty of Defendant, its agents servants and/or employees to maintain the Premises in a reasonably safe and suitable condition.

8. At all times hereinafter mentioned, the general public, including the Plaintiffs herein, were invited to enter and patronize, Defendant's place of business.

9. On or about April 26, 2021, Plaintiff Rhonda Kurz, was a business invitee of the Defendant and she traveled to the Premises to engage in retail shopping.

10. While walking down an aisle of the Premises, Plaintiff Rhonda Kurz tripped over an unseen obstacle placed under a display by Defendant in the aisle where business invitees routinely traveled.

11. Plaintiff Rhonda Kurz was violently precipitated to the floor by reason of said dangerous, hazardous and unsafe conditions then existing caused by the Defendant.

12. By reason of the foregoing, Plaintiff, Rhonda Kurz, was seriously injured.

13. Defendant, its agents, servants and/or employees were negligent and careless in the ownership, operation, management and control of the Premises, particularly the merchandise shelves and aisles and corridors around and between the merchandise shelves, to which areas members of the public were invited and more particularly, suffering, permitting and causing the aisles to be, become and remain, in an unsafe, cluttered, dirty, dangerous, hazardous condition; in suffering, permitting and/or causing a dangerous condition to remain upon the floor; in causing, creating and suffering a trap or entrapment to form and remain thereat; in creating a nuisance and/or hazard upon the premises; in failing to make the necessary inspections and inquiries and observations of the area involved; in failing to make required inspections, patrols, maintenance and cleaning of the aisles, and the floor; in failing to post any notice or warnings of the dangerous

conditions; in failing to barricade or warn Plaintiff of the hazards existent thereat; in failing to provide a safe and adequate place for Plaintiff to traverse and walk within the aisles, and to take reasonable precautions to prevent Plaintiff from being precipitated thereat; in failing to keep a proper lookout for the safety of patrons invited to shop and purchase merchandise in the premises; and in failing to exercise that degree of care and caution which a reasonable prudent person would have exercised under like or similar circumstances.

14. The foregoing accident and the resulting injuries to Plaintiff Rhonda Kurz, were caused solely by reason of the carelessness and negligence on the part of Defendant, its servants, agents and/or employees, and without any negligence on the part of Plaintiff Rhonda Kurz, contributing thereto.

15. By reason of the foregoing, Plaintiff was severely injured and damaged, rendered sick, sore, lame and disabled, sustained severe nervous shock and mental anguish, great physical pain and emotional upset, some of which injuries are permanent in nature, result and/or effect, and Plaintiff will be permanently caused to suffer pain, inconvenience and other effects of such injuries; Plaintiff incurred and will necessarily incur further hospital and/or medical expenses in an effort to be cured and Plaintiff will be unable to pursue her usual duties and recreational activities with the same degree of efficiency as prior to this accident, all to her great damage.

16. At the time of the accident complained of in the Plaintiffs' Complaint, the Plaintiffs were married. Plaintiffs continue to be married.

17. That as a result of the wrongful and negligent acts of the Defendant, the Plaintiffs were caused to suffer, and will continue to suffer in the future, loss of consortium, loss of society, affection, and assistance, all to the detriment of their marital relationship.

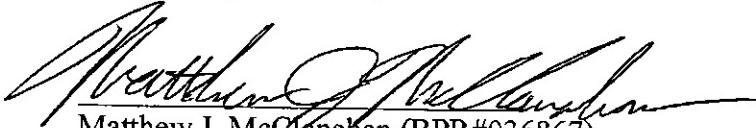
18. By reason of the foregoing, Plaintiffs have been damaged in the sum of \$100,000.
19. That all the injuries and damages were caused solely and proximately by the negligence of the Defendant.

WHEREFORE, the Plaintiffs, jointly as husband and wife, demand judgment against the Defendant, in the amount of One Hundred Thousand (\$100,000.00) plus costs, pre-judgment interest, post-judgment interest, and any other costs this court deems appropriate.

WHEREFORE, Plaintiffs demand the following:

1. That proper process issue and be served upon Defendant, Walmart, Incorporated, and that the Defendant be required to appear and answer the Verified Complaint within the time required by law.
2. That the costs of this action be awarded to Plaintiffs.
3. That Plaintiffs be awarded a judgment against the Defendant in the amount of One Hundred Thousand Dollars (\$100,000.00)
4. That a jury of twelve persons be impaneled to try this cause.
5. Such further and other general relief to which Plaintiffs may be entitled.

Respectfully submitted,



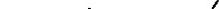
Matthew J. McClanahan (BPR#036867)
McClanahan & Winston, P.C.
P.O. Box 1110
Crossville, Tennessee 38557
Telephone: (931) 548-7702
Fax: (865) 444-0786
Email: matt@tennadvocate.com

STATE OF Tennessee)
COUNTY OF Cumberland) :S


KEITH KURZ

Keith Kurz, the above-named Plaintiff, who, being duly sworn by me deposes and says that the statements in the foregoing Complaint are true to Plaintiff's knowledge except as to matters stated to be on information and belief, and these matters Plaintiff believes to be true.




KEITH KURZ

SWORN TO AND SUBSCRIBED before me this the 20 day of April, 2022.

Matthew J. Nelson
Notary Public

Notary Public

My Commission Expires:

7/6/25

STATE OF Tennessee)
COUNTY OF Cumberland) :S

Rhonda J Kury
RHONDA KURZ

Rhonda Kurz, the above-named Plaintiff, who, being duly sworn by me deposes and says that the statements in the foregoing Complaint are true to Plaintiff's knowledge except as to matters stated to be on information and belief, and these matters Plaintiff believes to be true.



Rhonda J. Kurz
RHONDA KURZ

SWORN TO AND SUBSCRIBED before me this the 20 day of April, 2022.

Matthew J. McNamee

Notary Public

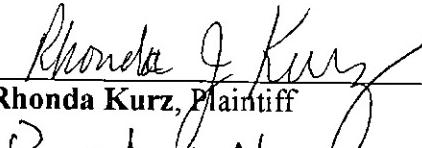
My Commission Expires:

7/6/25

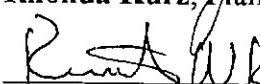
Page 5 of 6

COST BOND

I, the undersigned, hereby bind myself as surety for the costs of this cause in an amount not to exceed Five Hundred (\$500.00) Dollars.



Rhonda Kurz, Plaintiff



Keith Kurz, Plaintiff



By: **Matthew J. McClellanahan, Surety**

McTarnahan & Wrenn, P.C.
Attorneys and Counselors at Law
P.O. Box 1110
Crossville, TN 38557



7020 2450 0001 3096 4256

UNIVERSITY



7020 2450 0001 3096 4256



WALMART, INC.
Wal-Mart Headquarters
702 S.W. 8th Street
Bentonville, Arkansas 72716

Ceo

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.